

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Petition of Time Warner Cable for Declaratory	)	WC Docket No. 06-55
Ruling That Competitive Local Exchange	)	
Carriers May Obtain Interconnection Under	)	
Section 251 of the Communications Act of	)	
1934, as Amended, to Provide Wholesale	)	
Telecommunications Services to VoIP	)	
Providers		

**OPPOSITION TO MOTIONS FOR EXTENSION OF TIME**

Time Warner Cable respectfully opposes the motions filed by the South Carolina Coalition, John Staurulakis, Inc., and the Nebraska Public Service Commission for a 30-day extension of time for filing comments and reply comments in response to the Petition in the above-captioned docket. While Time Warner Cable is willing to accommodate a two-week extension of time to file comments and reply comments,<sup>1</sup> a 30-day delay — which would create a total comment period of 51 days — is clearly excessive under the circumstances. The rulings of the Nebraska and South Carolina PSCs prohibiting interconnection for the purpose of providing wholesale telecommunications services squarely violate federal law and are causing significant competitive harm to Time Warner Cable and to consumers in certain rural areas of Nebraska and South Carolina. Corrective action by the Commission is a matter of great urgency, and the Commission

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<sup>1</sup> See COMPTTEL Motion for Extension of Time, WC Docket No. 06-55 (Mar. 15, 2006) (noting that “although TWC continues to urge the Commission to act expeditiously on its Petition, it does not object to a 14 day extension of the comment and reply comment periods”).

therefore should not delay this proceeding any more than is necessary to permit development of an appropriate record.

The Commission's rules do not permit extensions of time absent extraordinary circumstances.<sup>2</sup> The presumption against an extension should be particularly strong here, where Time Warner Cable has sought expedited treatment in light of the severe anticompetitive impacts of the state rulings at issue.<sup>3</sup> The Commission's decision to establish a 21-day comment cycle was most appropriate under the circumstances, but Time Warner Cable consented to the brief delay requested by COMPTTEL in the interest of permitting parties to develop the record. Any further delay would be unwarranted in light of the continuing harm to consumers in certain rural areas of Nebraska and South Carolina and the threat of additional harm in other states.

Denial of the motions would not prejudice any party's ability to participate fully in this proceeding. Many of the rural telephone companies that make up the South Carolina Coalition, as well as their counsel, are intimately familiar with the facts and legal issues presented in Time Warner Cable's Petition for Declaratory Ruling. Indeed, it was such carriers' anticompetitive actions in South Carolina that compelled Time Warner Cable to turn to the Commission for relief, and their active participation before the South Carolina PSC refutes their claim that a lengthy extension is necessary. Similarly, the Nebraska PSC is familiar with the issues presented by the Petition after full briefings and a hearing in the state arbitration proceeding. Accordingly, it should have no difficulty

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<sup>2</sup> See 47 C.F.R. § 1.46(a); *Requests for Extension of Time in Adjudicatory Cases Will Not Be Routinely Granted*, Public Notice, 7 FCC Rcd 3309 (1992) (“[T]he [C]ommission recently indicated that requests for extension of time should be closely examined to determine whether they are based on a clear showing of good cause.”).

<sup>3</sup> Petition at 11.

submitting comments by April 10 (the deadline if COMPTEL's two-week extension request is granted). Alternatively, the Nebraska PSC can participate by filing reply comments (the deadline for which will be April 25, if the two-week extension is granted).

Moreover, while the South Carolina Coalition characterizes the issues in dispute as "very complex,"<sup>4</sup> they are in fact straightforward: The Act and Commission precedent establish beyond any doubt that competitive carriers are entitled to obtain interconnection for the purpose of selling wholesale telecommunications services to VoIP providers such as Time Warner Cable. Even if the legal questions were novel, the South Carolina Coalition has been litigating these issues for nearly two years at the state level and thus cannot claim any hardship from having to recite their positions within a 35-day period. Notably, in the *Western Wireless* case cited by the South Carolina Coalition, the state PUC requested (and the Commission granted) only a 15-day extension,<sup>5</sup> which is approximately what Time Warner Cable has consented to in this matter.

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<sup>4</sup> South Carolina Coalition Motion at 2.

<sup>5</sup> *Western Wireless Corporation Petition for Preemption of an Order of the South Dakota Public Utilities Commission*, Public Notice, 14 FCC Rcd 13175 (1999).

For the foregoing reasons, Time Warner Cable opposes the motions for extension of time to the extent that they seek more than a two-week delay of the comment and reply comment periods.

Respectfully submitted,

/s/ Steven N. Teplitz

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March 21, 2006

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## **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Opposition to Motions for Extension of Time was served this 21st day of March, 2006, by e-mailing or mailing true and correct copies thereof to the following persons (service by e-mail where marked by an asterisk):

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